

**Determination by the Private Rented Housing Committee
Section 26 Housing (Scotland) Act 2006**

Ref: PRHP/G13/78/12

**Re: Property at 91c Menzies Road, Aberdeen AB11 9AP (first floor
right) ("the Property")**

**Title: Subjects at 91c Menzies Road, Aberdeen
forming Title Number KNC 17486**

The Parties:-

**Thomas Peter Meryn Richards, and Rosalind Richards per their Agents
Aberdein Considine, Solicitors, 7-9 Bon Accord Crescent, Aberdeen ("the
Landlord")**

Iremino Martins Nkemnacho, 91c Menzies Road, Aberdeen ("the Tenant")

1. On 16/11/12 a Private Rented Housing Committee determined the property did not meet the Repairing Standard as defined by the Housing Scotland Act 2006. Accordingly, the Committee made a Repairing Standard Enforcement Order. Read short, the Committee required the landlord to install full double glazing at the property within 10 weeks of the issue of the Order.

2. At the expiry of the aforesaid period the Committee made appropriate enquiry of both parties to ascertain the position regarding the required works. The tenant emailed to confirm the work had not been started and he was giving up the tenancy in a few weeks time. The landlord confirmed he had bought the glass which had been cut to size but his glazier could not get access to install. The Committee noted the aforesaid 10 week timespan coincided with a long spell of very harsh winter weather and the birth of the tenant's first child. The landlord's agent confirmed the property would not be re-let while the work was outstanding.

3. After sundry administrative procedures the Committee intimated their intention to re inspect the property on 8/10/13. The landlord's agents were notified and confirmed the property was vacant but the work remained outstanding. The applicant tenancy had lawfully terminated on 4th April 2013. The landlord was notified of the date and time of the re-inspection and subsequent Hearing by first class post but did not respond.

4. The Committee attended at the property on 8/10/13 but could not gain access. The landlord did not attend and did not facilitate access. The Committee carried out an external visual inspection at the front of the property. It was obvious from the visual inspection that the windows have not been replaced at the front of the building.

5. The Committee formally convened a Hearing at the Credo Centre Aberdeen following the inspection, the date time and place of the Hearing having been notified to the landlord in terms of the Regulations governing these procedures. The landlord did not attend.

6. In light of the information provided by the landlord's agents at paragraph 3 above, their own external inspection of the property and the failure of the landlord to engage in the procedure (from which the Committee draw adverse inference) the Committee determines the aforesaid RSEO has not been complied with in any respect. That failure in compliance is not justified by any of the facts relevant to anything in the 2006 Act.

7. The Committee will serve a Notice on the Local Authority intimating the failure of the landlord to comply with the terms of the RSEO. As the property is not currently the subject of a tenancy agreement it is not appropriate to make a Rent Relief Order.

8. A landlord or tenant aggrieved by the decision of the Private Rented Housing Committee may apply to the Sheriff by summary application within 21 days of being notified of that decision.

9. Where such an appeal is made, the effect of the decision and of the Notice is suspended until the appeal is abandoned or finally determined and where the appeal is abandoned or finally determined

by confirming the decision the Notice will be treated as having effect from the date on which the appeal is abandoned or so determined.

A McCauley *Chairman*

8th October 2013.